



AN ORDINANCE ESTABLISHING THE ZONING REGULATIONS IN THE CITY OF PEABODY.

BE IT ORDAINED by the City Council of the City of Peabody, as follows:

Section 1

To promote the health, safety, convenience, morals and general welfare, to lessen the danger from fire, congestion and confusion, and to improve and beautify the city under the provisions of General Laws, chapter forty, and all amendments thereto, the use, construction, repair, alteration, height, location and area of buildings and structures and the use of land, in the City of Peabody are hereby regulated as herein provided.

Section 2

DEFINITIONS

In this ordinance the following terms shall have the meanings hereby assigned to them:

A Family: Any number of individuals living and cooking together on the premises as a single house-keeping unit.

One-Family House: A detached dwelling designed for and occupied by a single family.

Two-Family House: A detached dwelling designed for two families.

Semi-Detached House: Two one-family houses built together at the same time and separated by a fire-proof division with no openings.

Row Houses: A dwelling for one family in a connected row of three or more dwellings.

Apartment House: A dwelling for more than two families under one roof, or for one or more families above a first floor used for non-residence purposes.

A Half Story: A half story is that portion of a building under a sloping roof where the full-length rafters rest on the top beam of the story below. If the rafters rest on higher beams it shall be deemed a story.

Lot: A lot is that area of land described in an application for a permit.

Private Garage: A garage for not more than two (2) automobiles for storage only, in which space may be rented to persons not occupants of the premises.

Community Garage: A group of private garages, not more than one story high, having a capacity of not more than ten cars, arranged in a row or surrounding a common means of access and erected for the use of owners having no private garage on their individual lots. A community garage accessory to an apartment house may contain space for one automobile for each family, provided that the rear yard provisions are observed.

Garage: Any garage other than a private or community garage, where automobiles are stored, equipped for operation, repaired, or kept for hire.

Non-Conforming Use: An existing use of land or of a building, or a structure or building which does not conform with the requirements for the district in which it is located.

Accessory Use: A use of a building, structure or land customarily incident to the uses permitted in a district.

Yard: An open space on the same lot with a building.

Front Yard: A yard across the full width of the lot and extending from the front line of the building to the front line of the lot.

Side Yard: A yard between the building and the adjacent side line of the lot and extending from the front yard to the rear yard.

Rear Yard: A yard across the full width of the lot extending from the rear line of the building to the rear line of the lot.

Court: An open space other than a yard on the same lot with a building.

Inner Court: A court not extending to a street or yard.

Outer Court: A court extending to a street or yard.

Height: The height of a building shall be the vertical distance measured from the mean level of the established grade at the building to the mean height of the roof.

Section 3

USE REGULATIONS

For the purposes of this ordinance, the City of Peabody is divided into six types of districts designated as:

1. Single residence.
2. General residence.
3. Apartment house.
4. Business.
5. Light industrial.
6. Heavy industrial.

Said districts are as shown, defined and bounded on the map accompanying this ordinance entitled "Zone Map of the City of Peabody," dated February, 1937, signed by the Planning Board and on file with the City Clerk, and said map and all explanatory matter thereon are hereby made a part of this ordinance.

In such districts, subject to the provisions of sections fifteen and sixteen, new buildings and structures, and alterations, enlargements or extensions of existing buildings or structures shall be designed, arranged or constructed, and land, buildings, structures, or parts thereof, shall be used, as specified for each type of district in sections 4, 5, 6, 7, 8 and 9, subject, as specified in such sections, to the provisions of sections 18 and 19.

Section 4

SINGLE RESIDENCE DISTRICTS

1. One-family detached houses.

2. The taking of boarders or the leasing of rooms by a family resident on the premises but in both instances limited to six.

3. Churches, schools, public libraries, public museums, parish houses, and subject to the provisions of section nineteen, the following: fire stations, cemeteries, hospitals, sanatoria, custodial homes for the feeble-minded, philanthropic and penal institutions, with essential accessories, and over-

night camps, provided that tourist, automobile or over-night camps shall be permitted only in the area within five hundred feet on each side of the Newburyport Turnpike, and in no case within four hundred feet of an existing dwelling, except the dwelling of the operator.

4. Private clubs not conducted for profit.

5. Municipal parks, playgrounds, recreation buildings, and, subject to the provisions of section nineteen, water towers and reservoirs.

6. Agriculture, greenhouses, nurseries, truck gardens, the production and distribution of milk for local needs and the sale of home grown products.

7. Passenger stations.

8. Real estate signs containing not over four square feet in area, advertising the sale or rental of only the premises on which they are located, and bulletin boards in connection with buildings for the purposes specified in sub-paragraphs three and five of this section.

9. Riding schools, subject to the provisions of section nineteen.

10. Telephone exchange, provided there is no service yard and that the design of the building with reference to harmony with the architecture characteristic of the district be approved in writing by the Planning Board.

11. Such accessory uses as are customarily incidental to any of the above purposes, subject to the provisions of section fifteen.

Section 5

GENERAL RESIDENCE DISTRICTS

1. Any purposes enumerated in section four, subject, as stated in section four, to the provisions of section nineteen.

2. Two-family and semi-detached dwellings.

3. Hotels and boarding houses.

4. Fire and police stations.

5. Community garages, subject to the provisions of section nineteen.

Section 6

APARTMENT HOUSE DISTRICTS

1. Any purpose enumerated in sections four and five, subject, as stated in sections four and five, to the provisions of section nineteen.

2. Row houses and apartment houses.

Section 7

BUSINESS DISTRICTS

1. Any purpose permitted under sections four, five and six.

2. Retail stores, and shops for custom work or the making of articles to be sold at retail on the premises, subject to the provisions of section 15 (c).

3. Offices, banks and places of assembly.

4. Restaurants and other places for serving food.

5. The place of business of baker, barber and similar personal services, blacksmith, carpenter, caterer, clothes cleaner and presser, confectioner, decorator, dressmaker, electrician, florist, furrier, hand laundry, milliner, news-dealer, optician, painter, paper-hanger, pastry shop, photographer, plumber, printer, publisher, roofer, shoemaker, shoe repairer, shoe shiner, tailor, tin-smith, telegraph office, undertaker, upholsterer; and, subject to the provisions of section nineteen, the following: builder, contractor, dyer, and mason; and, subject to the provisions of section eighteen, places for the sale of alcoholic beverages.

6. Commercial amusements.

7. Fuel, building material, food, and ice distributing establishments and warehouses, all subject to the provisions of section nineteen.

8. Gasoline and oil stations, garages for storage or repairs, and stables, subject to the provisions of section eighteen.

9. Salesrooms for motor vehicles, provided no gasoline is kept therein unless such salesrooms are appurtenant to an authorized garage or filling station.

10. Billboards and advertising signs, subject to laws and ordinances.

11. Any other use which the board of appeals may, as provided in section 19, find to be substantially similar to the permitted uses and not injurious to such permitted uses.

Section 8

LIGHT INDUSTRIAL DISTRICTS

1. Any purpose permitted under sections four, five, six and seven, subject, as stated in sections four, five, six and seven, to the provisions of section eighteen.

2. Light manufacturing, employing electricity and/or other objectionable motive power, utilizing hand labor and/or other objectionable machinery and/or processes and free from neighborhood disturbing odors and/or other agencies, all subject to the provisions of section nineteen.

With the existing or improved methods of operation tanning shall be deemed a light industry.

3. Notwithstanding the provisions of this section or of section nineteen, no use shall be permitted which would be offensive because of injurious or obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features, or be hazardous to the community on account of fire or explosion or any other cause.

Section 9

HEAVY INDUSTRIAL DISTRICTS

In heavy industrial districts, buildings and land may be used for any purposes, except dwellings and the following, which are expressly prohibited:

1. Abattoirs and stock yards, except butchering for local needs.

2. Acetylene gas manufacture or storage.

3. Acid—chlorine or hydrochloric, nitric, picric, sulphuric, sulphurous or other corrosive acid manufacture.

4. Ammonia, bleaching powder or chlorine manufacture.

5. Asphalt manufacture or refining.

6. Boiler works and tank manufacture by machine or hand riveting.

7. Celluloid manufacture, treatment or storage.

8. Cement, lime gypsum or plaster of Paris manufacture.

9. Coke ovens.
10. Crematory, except in cemeteries.
11. Creosote treatment or manufacture.
12. Dextrine, glucose or starch manufacture.
13. Disinfectants manufacture.
14. Distillation of bones, coal or wood.
15. Dyestuff manufacture.
16. Exterminator and insect poison manufacture.
17. Emery cloth and paper manufacture.
18. Fat rendering.
19. Fertilizer manufacture and bone grinding.
20. Fireworks or explosives manufacture, or storage except for retail trade.
21. Forge plant.
22. Gas (illuminating or heating) manufacture or storage.
23. Incineration or reduction of garbage, dead animals, offal or refuse, except in a municipal plant.
24. Iron, steel, brass or copper foundry.
25. Lamp black manufacture.
26. Oil cloth or linoleum manufacture.
27. Oiled or rubber goods manufacture.
28. Ore reduction.
29. Paint, oil, shellac, turpentine or varnish manufacture.
30. Paper or pulp manufacture.
31. Petroleum refining or storage.
32. Potash works.
33. Pyroxylin manufacture.
34. Rolling mill.
35. Rubber or gutta percha manufacture.
36. Smelters or blast furnaces.
37. Soda and compound manufacture.
38. Storage or bailing of scrap paper, iron, bottles, rags or junk.
39. Tallow, grease, or lard manufacture or refining from animal fat.
40. Tar distillation or manufacture.
41. Tar roofing or water proofing manufacture.
42. And in general any use which might prove injurious to the safety or welfare of the neighborhood into which it proposes to go, and destructive of property values, because of any excessive nuisance qualities. When new or changed industrial processes remove nuisance qualities the board of appeals may admit any of the above, with proper safeguards. When the building inspector is in doubt, he shall refuse a permit.

Section 10

HEIGHT REGULATIONS

RESIDENCE DISTRICTS

(a) The limit of height in all residence and apartment districts shall be two and one-half stories and not over thirty-five feet for wooden buildings, and three stories and not over forty feet for buildings of ordinary construction, or fireproof construction, as defined by the National Board of Fire Underwriters.

(b) The limitations of height shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, pent-houses and other accessory features usually carried above roofs nor to towers or spires of churches and other buildings, if such features are in no way used for human habitation.

(c) Courts.

(a) For an outer court, eight feet in width for the first story and five feet additional width for each additional story of height. Such a court shall not have a length greater than one and one-half times its width.

(b) For an inner court, ten feet in width for the first story and five feet for each additional story of height. Such a court shall have a length of not less than twice its width. An inner court shall have an air intake at the bottom, with a cross section of at least twelve square feet, which shall be closed only with a latticed door or doors, so as to allow the free passage of air.

Courts need not extend below the floor level of the part of a building used for dwelling purposes.

Section 11

BUSINESS AND INDUSTRIAL DISTRICTS

(a) The limit of height in business districts shall be two stories for wooden buildings, three stories for ordinary and four stories for fireproof construction, as defined by the National Board of Fire Underwriters. In industrial districts the limits of height shall be four stories for wooden and ordinary construction and six stories and not over seventy-five feet for fireproof construction. The limit of height of dwellings in business and industrial districts shall be as provided in Section 10.

(b) The limitation of height in feet shall not apply to such features as are mentioned in paragraph (b) of Section 10, nor to water tanks or scenery lofts which shall be at every point sixty feet back from the center line of any street and shall not cover more than 25 per cent of the area of the building.

Section 12

AREA REGULATIONS

Dwellings hereafter erected shall be provided with lot area as follows:

(a) For each one-family house, not under 6000 square feet, and not less than fifty feet wide; but not more than 25% of the lot area may be covered by such building. In areas marked "A" lots hereafter laid out shall contain not less than 15,000 square feet, and be not less than 100 feet wide; and in areas marked "B" lots shall contain not less than 10,000 square feet, and be not less than 80 feet wide.

Dwellings in "A" and "B" areas shall have front yards not less than 25 feet deep, rear yards not less than 35 feet deep, and side yards shall be not less than 20 feet wide in "A" areas and not less than 15 feet wide in "B" areas.

(b) For each semi-detached house, not under 7000 square feet; but not more than 30% of the joint lot area may be covered by such building.

(c) For each two-family house, not under 6500 square feet; but not more than 30% of the lot area may be covered by such building.

(d) For each row house, not under 2500 square feet; but not more than 30% of the lot area may be covered by such house.

(e) In an apartment district, not more than 30% of the lot area may be covered by the dwelling. Apartments over stores or other uses shall not cover over 50% of the lot area.

Lots in individual or joint ownership duly recorded by plan or deed at the time this ordinance goes into effect may be used, provided that all requirements in regard to yards and courts are fulfilled.

Section 13

IN BUSINESS AND INDUSTRIAL DISTRICTS

No lot, or the building or buildings thereon, shall be changed in size so as to violate the provisions of this ordinance with respect to size of lots, yards or courts. The open space required in the case of business or industrial buildings shall be provided in the rear, or in part on the sides, so as, in the opinion of the building inspector, properly to insure the lighting and ventilating of the buildings, and access in case of fire.

Where yards of less depth exist, the front yard for a new house shall be the average of those on the two adjoining lots, a vacant lot to be considered as having a front yard twenty feet deep.

In business and industrial districts front yards for dwellings shall be at least ten feet deep, but front yards of greater depth may be provided.

(b) Side Yards: In all districts there shall be for every one or two family or semi-detached house, side yards on both sides, the minimum width of which shall not be less than eight feet of clear space, measured from the side of the building to the side lot line, except that in areas marked "A" and "B" the side yards shall be as provided in section 12 (a).

Low bulkheads for cellar entrance shall be allowed in cases of necessity.

(c) Rear Yards: In all districts there shall be a yard in the rear of every building used for dwelling purposes, the minimum depth of which shall never be less than thirty-five feet. Not over 25% of the area of a rear yard may be covered by an accessory building or buildings.

(d) Yards for Non-Residential Buildings: Any use, not residential or accessory, permitted in a residential district, shall observe all provisions of this ordinance in regard to depth and width of yards as applied to dwellings in areas marked "A".

(e) Courts. Every room used for dwelling purposes shall have a window area, measured between the stop beads, equal to at least one-eighth of the floor area of the room, and opening upon a street or yard or upon a court of the following minimum dimensions:

(a) For an outer court, eight feet in width for the first story and five feet additional width for each additional story of height. Such a court shall not have a length greater than one and one-half times its width.

(b) For an inner court, ten feet in width for the first story and five feet for each additional story of height. Such a court shall have a length of not less than twice its width. An inner court shall have an air intake at the bottom, with a cross section of at least twelve square feet, which shall be closed only with a latticed door or doors, so as to allow the free passage of air.

Courts need not extend below the floor level of the part of a building used for dwelling purposes.

Section 14

YARDS AND COURTS

(a) Front Yards: In single—and general—residence districts in front of every building there shall be provided a front yard of at least twenty feet in clear depth between the building and the lines of the way or ways on which the building lot abuts, and no dwelling or structure shall be moved, altered, reconstructed or enlarged so that a front yard less in clear depth shall result. Projecting eaves and uncovered steps shall not be considered as coming within the meaning of this section. Where to an extent of 50% of the space between two intersecting streets or in a space of two hundred feet on both sides of a vacant lot front yards of greater depth than twenty feet have been established, or provided by common agreement, or by private building restrictions, or where through common usage they exist, the average of such front yards shall notwithstanding any other provision of this ordinance, be and remain the front yard spaces under this ordinance for such street or portion of street.

In apartment districts there shall be a front yard of at least fifteen feet in depth.

Where yards of less depth exist, the front yard for a new house shall be the average of those on the two adjoining lots, a vacant lot to be considered as having a front yard twenty feet deep.

In business and industrial districts front yards for dwellings shall be at least ten feet deep, but front yards of greater depth may be provided.

(b) Side Yards: In all districts there shall be for every one or two family or semi-detached house, side yards on both sides, the minimum width of which shall not be less than eight feet of clear space, measured from the side of the building to the side lot line, except that in areas marked "A" and "B" the side yards shall be as provided in section 12 (a).

Low bulkheads for cellar entrance shall be allowed in cases of necessity.

Section 15

ACCESSORY USES

(a) Accessory uses shall be permitted only on the same lot with the building to which they are accessory, and shall be such as do not alter the character of the premises on which they are located or impair the neighborhood.

(b) A private garage for the use of the occupant with quarters for a chauffeur shall be permitted as an accessory use with any dwelling in a residence district.

(c) Where manufacturing of any kind is allowed as an accessory use, it shall be restricted to such light manufacturing as is incidental to a permitted use and where the product is customarily sold on the premises by the producer to the consumer.

(d) The use of a room or rooms in a dwelling as a professional office or studio or workshop by a person resident in the house is permitted as an accessory use, provided that no goods are publicly displayed, and no sign over one square foot in area is used; such signs shall be unilluminated.

(e) Hotels, as distinguished from apartment houses, where permitted under this ordinance in general residence districts, shall contain no arrangements of any description for private cooking or house-keeping.

Section 16

NON-CONFORMING USES

(a) Any building or part of building or any land, which, at the time of the adoption of this ordinance, is being put to a non-conforming use may continue to be used for the same non-conforming purpose.

(b) A non-conforming use may be changed to a more restricted use and when so changed it shall not again be changed to a less restricted use.

(c) When a non-conforming use has been discontinued for a period of one year it shall not be re-established and future use shall be in conformity with this ordinance, unless a special

permit be issued by the board of appeals in accordance with the provisions of Section 19.

(d) In residence districts the removal for sale of sod, loam, clay, sand, gravel, or quarried stone, except when incidental to and in connection with the construction of a building for which a permit has been issued, shall be deemed a non-conforming use of land, and no permit shall be issued by the building inspector except as directed by the board of appeals, in accordance with the provisions of Section 19, and under such conditions as the board of appeals may impose and make a part of the permit. The board of appeals shall, in each instance, impose such conditions as will protect the neighborhood and the city against permanent and temporary hazards or injury to the amenities because of conditions which may be left after operations are completed, or because of the methods of handling such material at the site, or of transporting such material through the city.

Where special permits by the board of appeals are required under this section, the building inspector shall issue no permit until so directed in writing by the board of appeals. Upon application for such a permit the board shall give not less than seven (7) days' public notice by publication in a newspaper and by mail to the applicant and to the owners of all property deemed by the board as affected by such a permit, and shall hold a hearing and render a decision. The applicant shall show to the satisfaction of the board that the use of the premises for which application is made shall not constitute a nuisance because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features or be hazardous because of fire or explosion and that such use shall not otherwise be injurious to the inhabitants or their property, or dangerous to the public health or safety. When not so satisfied the board shall refuse a permit. When, in the opinion of the board, such a permit may be

granted if accompanied by conditions specially designed to safeguard the district and the city, it shall impose such conditions and make them a part of the decision, and they shall be made a part of the permit issued by the building inspector. The board may, after a hearing and proof of violation of such conditions, or any of the terms of the permit, withdraw the permit, after which the use shall be discontinued.

In general this ordinance is supplementary to other laws and ordinances affecting the use, construction, height, location and area of buildings and structures and the use of land. Where this ordinance imposes greater restrictions than are imposed by existing provisions of laws, ordinances or private restrictions, the provisions of this ordinance shall control.

Section 20

CONFLICT OF LAWS

In general this ordinance is supplementary to other laws and ordinances affecting the use, construction, height, location and area of buildings and structures and the use of land. Where this ordinance imposes greater restrictions than are imposed by existing provisions of laws, ordinances or private restrictions, the provisions of this ordinance shall control.

Section 21

PLATS AND PLANS

Applications for building permits shall be accompanied by a plat of the lot in duplicate, drawn to scale, showing the actual dimensions of the lot and the exact location and size of buildings already upon the lot, and of the additions, building or buildings to be erected, with notation of use of parts, together with streets and alleys on and adjacent to the lot. Copies of such applications and plats shall be kept on file in the office of the building inspector, and a copy of the plat shall be returned with permit to the applicant.

Section 22

ENFORCEMENT

Except as otherwise provided, this ordinance shall be administered by the building inspector. He shall approve no application of any kind, plan and specifications and intended use for which are not in all respects in conformity with this ordinance. If a use otherwise permitted would cause injury to property or be detrimental to the community a permit shall be refused. To aid the building inspector in his work, it shall be the duty of every police officer to know that all work on buildings on his beat is being done under a proper permit and to notify the building inspector if it is not being so done.

No building erected, altered or in any way changed as to construction or use, under a permit or otherwise, and no land used except as provided herein, shall be occupied or used without a certificate of compliance signed and which shall not be issued until the building and its uses and the use of the land comply in all respects with this ordinance and with the permit.

No public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station, or any of their appurtenances or accessory uses, shall hereafter be erected or placed within 50 feet, measured along the street line, of any residence district. No driveway to such premises shall be in any part within 50 feet of any residence district. No such use shall have at the street line any entrance or exit for motor vehicles within 300 feet of the line of any property used by any public or private school, public library, church, playground or institution for the sick, dependent, or for children under 16 years of age. Every filling station structure and pump hereafter erected shall be located not less than fifteen feet from the street line or the building line, if one has been established, and no filling shall be done except into cars standing on the property of the filling station.

No place for the sale of alcoholic beverages shall be permitted anywhere within two hundred (200) feet of a residence district, measured along the same street frontage, or within four hundred (400) feet similarly measured, of the property line of a public or private school, church, library, park or playground.

Section 19

PERMISSION OF BOARD OF APPEALS REQUIRED

In residence districts no permit shall be issued by the building inspector for: a fire station, a cemetery, hospital, sanatorium, home for the feeble-minded, philanthropic or penal institution, over-night camp, water tower, reservoir, riding school, community garage or the removal of the natural inorganic products of the soil and, in business districts: place of business of a builder, contractor, dyer, mason or fuel, building material, feed and ice distributing establishments and warehouses or for anything permitted only under Section 8, except with the written approval of the board of appeals under the provisions of this section.

No permit shall be issued by the building inspector for the re-establishing of a non-conforming use that has been discontinued for a period of one year, except with the written approval of the board of appeals under the provisions of this section.

Where special permits by the board of appeals are required under this section, the building inspector shall issue no permit until so directed in writing by the board of appeals. Upon application for such a permit the board shall give not less than seven (7) days' public notice by publication in a newspaper and by mail to the applicant and to the owners of all property deemed by the board as affected by such a permit, and shall hold a hearing and render a decision. The applicant shall show to the satisfaction of the board that the use of the premises for which application is made shall not constitute a nuisance because of noise, vibration, smoke, gas, fumes, odor, dust or other objectionable features or be hazardous because of fire or explosion and that such use shall not otherwise be injurious to the inhabitants or their property, or dangerous to the public health or safety. When not so satisfied the board shall refuse a permit. When, in the opinion of the board, such a permit may be

granted if accompanied by conditions specially designed to safeguard the district and the city, it shall impose such conditions and make them a part of the decision, and they shall be made a part of the permit issued by the building inspector. The board may, after a hearing and proof of violation of such conditions, or any of the terms of the permit, withdraw the permit, after which the use shall be discontinued.

In general this ordinance is supplementary to other laws and ordinances affecting the use, construction, height, location and area of buildings and structures and the use of land. Where this ordinance imposes greater restrictions than are imposed by existing provisions of laws, ordinances or private restrictions, the provisions of this ordinance shall control.